

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEX MEDINSKIY,

CASE NO. C08-1478-RSM-BAT

Petitioner,

REPORT AND RECOMMENDATION

V.

A. NEIL CLARK,

Respondent.

On October 6, 2008, petitioner Alex Medinsky, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and Customs Enforcement (“ICE”) at the Northwest Detention Center in Tacoma, Washington. (Dkt. 6). On December 5, 2008, however, respondent filed a Return Memorandum and Motion to Dismiss the Petition for Writ of Habeas Corpus as Moot, indicating that on November 24, 2008, petitioner was surrendered to the King County Sheriff’s Department pursuant to an outstanding arrest warrant. (Dkt. 11). Respondent further indicates that on December 9, 2008, petitioner reported back to ICE after he was released by the King County Sheriff’s Department and was released from ICE custody pursuant to an Order of Supervision. (Dkt. 13). Respondent asserts that because petitioner has been released from ICE custody, his habeas petition should be dismissed

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1 as moot. *Id.*

2 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of
3 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002).
4 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer
5 detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as moot.
6 *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the District Court
7 properly dismissed plaintiff’s claims that had become either moot or unripe). Accordingly, I
8 recommend that respondent’s motion to dismiss as moot be granted, and that this action be
9 dismissed without prejudice. A proposed Order accompanies this Report and Recommendation.

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11 DATED this 16th day of December, 2008.

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BRIAN A. TSUCHIDA
United States Magistrate Judge

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